



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

September 5, 2017

Waiver 17-07-013

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Seraphine Agbor is a Correctional Health Nurse II at the Division of Detention Services at the Montgomery County Department of Corrections (DOCR). She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she can be employed as a Registered Nurse at Adventist Behavioral Healthcare (Adventist), an entity that has a contract with DOCR.

DOCR has a contract with Adventist for emergency room, inpatient and outpatient services of inmates and detainees. Ms. Agbor's position at Adventist is completely unrelated to the treatment of inmates or detainees and is not funded by the DOCR contract with Adventist.

Ms. Agbor's job at DOCR has no relationship with the department's contract with Adventist, and she will have no contract procurement responsibilities that relate to the DOCR contract with Adventist in her outside employment position.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Agbor.

For the Commission:

MONTGOMERY COUNTY ETHICS COMMISSION

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Steven Rosen, Chair